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CHRISTIAN U. ANYIAM, Esq.
Attorney for Defendant ALEX MUKATHE

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re)	
)	Case No.: 2:21-bk-16403-VZ
SPECTRUM LINK, INC.,)	
)	Adv. No.: 2:23-ap-01173-VZ
Debtor(s).)	Chapter 7
)	
HOWARD M. EHRENBERG, Chapter 7 Trustee,)	GENERAL DENIAL TO ADVERSARY
)	PROCEEDING COMPLAINT TO AVOID
Plaintiff,)	AND RECOVER AVOIDABLE TRANSFERS
)	
vs.)	
)	
MILLENNIUM MARKETING CONCEPTS,)	(Demand for Jury Trial)
INC., UNITED CARE RESIDENTIAL, INC., and)	
ALEX MUKATHE,)	
Defendant(s).)	
)	
)	

Defendant, ALEX MUKATHE answering Plaintiff's Complaint, alleges as follows:

1. Defendant lacks sufficient information or belief to admit or deny the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 26, 29, 30, 31, 33, 34, 35, 36, 37, 38, 40, 42, 43, 44, 45, and 46 of the complaint, and based upon said lack of information, denies these allegations.

2. Defendant lacks sufficient information or belief to admit or deny the allegations contained in paragraphs 26, 27, and 28 because the Complaint does NOT contain these paragraphs in the complaint, and based upon said lack of information, denies any allegations related to these missing paragraphs.

3. Defendant denies generally and specifically each and every allegation contained in paragraphs 19, 21, 32, 39, 41, and 47, and all other allegations enumerated in the First through Ninth Claims for Relief of the complaint.

FOR A FIRST, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

4. That if Plaintiff suffered or sustained any loss, injury, or damage or detriment, the same was directly and proximately caused and contributed in whole or in part by the acts of Plaintiff and/or others in that at the time and place set forth, she failed to exercise that degree of care, caution and circumspection that an ordinarily reasonable and prudent person would exercise and by virtue thereof, be denied all or part of any recovery as against this answering Defendant.

FOR A SECOND, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

5. This Defendant are informed and believe and upon such information and belief alleges that at the time and place complained of by Plaintiff herein, the alleged injuries and damages, if any, were proximately contributed to and caused by the acts, recklessness and/or intentional misconduct of others rather than by the Plaintiff herein, and therefore, to such extent bars any liability for such alleged injuries and damages, if any, as to this answering Defendant.

FOR A THIRD, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

6. That the Complaint is barred by Plaintiff's failure to mitigate her damages.

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FOR A FOURTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

7. That the Complaint fails to state facts sufficient to constitute a cause of action against this answering Defendant.

FOR A FIFTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGSE

8. This answering Defendant is informed and believes, and on such information and belief alleges, that none of the acts attributed to Defendant proximately caused the injuries and/or damages alleged in the Complaint in that any such causation was superseded by an intentional, criminal and fraudulent act of a third party and/or Plaintiff, thus barring or diminishing Plaintiff's recovery herein.

FOR A SIXTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

9. Plaintiff did not suffer any detriment or damages in any amount whatsoever.

FOR A SEVENTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

10. To the extent that Plaintiff suffered any detriment, such was unavoidable.

FOR A EIGHTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

11. This answering Defendant are informed and believe, and on such information and belief alleges, that the conduct of Defendant in regard to the matters alleged in the Complaint was justified and, by reason of the foregoing, Plaintiff is barred from any recovery against Defendant herein.

FOR AN NINTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

12. These claims, and each of them, are barred by Plaintiff failure to satisfy any and all conditions precedent prior to asserting any claims against this answering Defendant. Additionally, Plaintiff failed to comply with all relevant statutory requirements before filing this lawsuit.

FOR AN TENTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

13. This answering Defendant is informed and believes, and on such information and belief alleges, that Plaintiff seeks equitable relief from this court, but have failed themselves to do equity; therefore they are barred from relief sought by the doctrine of unclean hands.

FOR A ELEVENTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

14. This answering Defendant are informed and believe, and on such information and belief alleges, that Plaintiff is barred from any recovery against Defendant under the doctrine of laches in that Plaintiff has waited an unreasonable amount of time before filing their Complaint, resulting in substantial prejudice and detriment to Defendant.

FOR A TWELFTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

15. This answering Defendant are informed and believe, and on such information and belief alleges, that Plaintiff has engaged in conduct and activities sufficient to be construed a waiver of any alleged breach of duty, act, omission, or any other conduct, if any, as set forth in the Complaint.

FOR A THIRTEENTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

16. This answering Defendant is informed and believes, and on such information and belief alleges, that Plaintiff engaged in conduct and activities with respect to the subject of this litigation, contracts and incidents which are the subject of the Complaint, and by reason of said activities and conduct are estopped from asserting any claims for damages or seeking any other relief against this answering Defendant.

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FOR A FORTEENTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

17. This answering Defendant are informed and believe, and such information and belief alleges that the injuries and damages of which Plaintiff complains were proximately caused or contributed to by the acts of other parties, persons and/or entities, and that said acts were an intervening and superseding cause of the alleged injuries and damages of which Plaintiff complains, thus barring Plaintiff from any recovery against this answering Defendant.

FOR A FIFTEENTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

18. The conduct of Defendant as alleged in the complaint is protected by the “undue hardship” defenses.

FOR AN SIXTEENTH, SEPARATE AND AFFIRMATIVE DEFENSE

THIS ANSWERING DEFENDANT ALLEGES

19. The conduct of Defendant as alleged in the complaint was motivated by non-malicious and/or non-willful reasons.

Defendant demands a jury trial in this matter.

WHEREFORE, this answering Defendant pray that Plaintiff takes nothing by way of Complaint on file herein, for Defendant’s costs of suit incurred herein, attorney’s fees and for such other and further relief as the Court may deem just and proper.

Respectfully Submitted,
ANYIAM LAW FIRM

Dated: November 14, 2024

By: /s/ CHRISTIAN U. ANYIAM
CHRISTIAN U. ANYIAM, ESQ.
Attorney for Defendant
ALEX MUKATHE

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
357 W. 2nd Street, Suite 16
San Bernardino, CA 92401

A true and correct copy of the foregoing document described **GENERAL DENIAL TO ADVERSARY PROCEEDING COMPLAINT TO AVOID AND RECOVER AVOIDABLE TRANSFERS** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **11/14/2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Howard M Ehrenberg (TR) ehrenbergtrustee@gmlaw.com, ca25@ecfcbis.com;
C123@ecfcbis.com; howard.ehrenberg@ecf.courtdrive.com; Karen.Files@gmlaw.com

Mark S Horoupian mark.horoupian@gmlaw.com,
mhoroupian@ecf.courtdrive.com; cheryl.caldwell@gmlaw.com; karen.files@gmlaw.com

United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

Steven Werth steven.werth@gmlaw.com, swerth@ecf.courtdrive.com;
pdillamar@ecf.courtdrive.com, Karen.Files@gmlaw.com; patricia.dillamar@gmlaw.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On **11/14/2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Vincent P. Zurzolo
U.S. Bankruptcy Court
255 E. Temple Street, Suite 1360
Los Angeles, CA 90012

Alex Mukathe, an individual
8221 3rd St., Suite 204
Downey, CA 90241

Eugene Kim
Assignee of Record
453 S. Spring St., Ste 400
Los Angeles, CA 90013

Spectrum Link, Inc.
11724 216th St.
Lakewood, CA 90715

United Care Residential, Inc., a California corporation
(Suspended Corporation 5/29/2019)
Agent for Service of Process: Alex Mukathe
8221 3rd Street, Suite 204
Downey, CA 90241

Millennium Marketing Concepts Inc., a California corporation
(Suspended Corporation – Inactive: 4/26/18)
Agent for Service of Process: Alex Mukathe
8221 3rd St., Ste.204
Downey, CA 90241

☐ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/14/2024

CHRISTIAN U. ANYIAM

/s/ CHRISTIAN U. ANYIAM

Date

Type Name

Signature